

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB694)

Received: 2/24/2014 Received By: rkite
Wanted: As time permits Same as LRB:
For: Jeffrey Mursau (608) 266-3780 By/Representing: Tim Gary
May Contact: Drafter: eshea
Subject: Nat. Res. - boats snomos ATVs Addl. Drafters:
Extra Copies: MGG

Submit via email: YES
Requester's email: Rep.Mursau@legis.wisconsin.gov
Carbon copy (CC) to: elisabeth.shea@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Expand types of substances that are prohibited while operating off-highway motorcycles

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	eshea 3/4/2014			_____			
/1		wjackson 3/5/2014	jfrantze 3/5/2014	_____	lparisi 3/5/2014	lparisi 3/5/2014	

FE Sent For:

<END>

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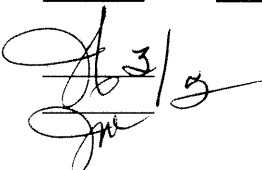
Topic:

Expand types of substances that are prohibited while operating off-highway motorcycles ✓

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/?	eshea	1 WJ 3/5					

FE Sent For:

<END>

Kite, Robin

From: Gary, Tim
Sent: Monday, February 24, 2014 4:14 PM
To: Kite, Robin; Tradewell, Becky
Subject: AB 694 AA request

Importance: High

Rep. Mursau requests a simple amendment to AB 694 (similar or identical to AA4 to AB 369):

Page 8, Line 17:

After that line insert: "(dp) "Hazardous inhalant" means a substance that is ingested, inhaled, or otherwise introduced into the human body in a manner that does not comply with any cautionary labeling that is required for the substance under s. 100.37 or under federal law, or in a manner that is not intended by the manufacturer of the substance, and that is intended to induce intoxication or elation, to stupefy the central nervous system, or to change the human audio, visual, or mental processes."

Page 8, Line 14:

Amend the definition of "Intoxicant"

(k) "Intoxicant" means any alcohol beverage, hazardous inhalant, controlled substance, controlled substance analog, or other drug or any combination thereof.

The Assembly Committee on Natural Resources and Sporting Heritage will be considering the bill on Wednesday at 10 AM. If it is possible to get a rush order on this amendment for electronic delivery to the Rep.Mursau account before 10 AM on Tuesday, he would appreciate it. If it can't be done, then the Representative will present the amendment at a later time on the floor of the Assembly.

Tim Gary

Office of Representative Jeff Mursau

Wisconsin Assembly Committee on Environment and Forestry, Clerk

Kite, Robin

From: Gary, Tim
Sent: Tuesday, February 25, 2014 9:08 AM
To: Kite, Robin
Subject: RE: Amendment to AB 694

Yes.

From: Kite, Robin
Sent: Tuesday, February 25, 2014 9:04 AM
To: Gary, Tim
Subject: RE: Amendment to AB 694

OK. I will hold off on this one. For the purpose of the amendment to AB-694, do you want to prohibit operation under the influence of a controlled substance as in AB-369?

Thanks.
Robin

From: Gary, Tim
Sent: Tuesday, February 25, 2014 9:01 AM
To: Kite, Robin
Subject: RE: Amendment to AB 694

If it is that complicated, we will wait for the floor. No rush at this time.

From: Kite, Robin
Sent: Tuesday, February 25, 2014 8:25 AM
To: Gary, Tim
Cc: Gibson-Glass, Mary
Subject: Amendment to AB 694

Tim:

I left you a message this morning but thought it might be helpful to give you some background before you call me. Unlike AB-369, the intoxicated operation law under AB-694 does **not** apply to the use of controlled substances. The analysis for this bill indicates that the controlled substances provisions were not intended to apply to the bill. If you want the intoxicated operation law to apply to the use of controlled substances under AB-694, as it appears that you do given the language provided, the amendment will require considerably more drafting than just changing the definition of intoxicant so that it includes controlled substances (as well as inhalants). This is because there are different restrictions with regard to testing, prosecution, etc. that apply to persons who are charged with operating under the influence of a controlled substance than apply to persons who are charged with operating under the influence of alcohol. On the other hand, if you want to limit the amendment so that an intoxicant includes an inhalant (but not a controlled substance, etc.), this might be possible without making too many additional changes in the draft. We can discuss this further when you call.

Robin

Robin N. Kite
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
1 E. Main St., Suite 200
Madison, WI 53703
(608) 266-7291



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1966/P1 1

EHS:.....

WYRMR

In 3/3/14

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 694

Revised
(By 3/5/14)

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 8, line 8: after that line insert:

3 “(gk) “Controlled substance” has the meaning ^{given in} ~~specified under~~ s. 961.01 (4).

4 (gm) “Controlled substance analog” has the meaning ^{given in} ~~specified under~~ s. 961.01
5 (4m).”. ✓

6 ✓ 2. Page 8, line 10: after that line insert:

7 “(hm) “Hazardous inhalant” means a substance that is ingested, inhaled, or
8 otherwise introduced into the human body in a manner that does not comply with
9 any cautionary labeling that is required for the substance under s. 100.37 ✓ or under
10 federal law, or in a manner that is not intended by the manufacturer of the substance,
11 and that is intended to induce intoxication or elation, to stupefy the central nervous
12 system, or to change the human audio, visual, or mental processes.”. ✓

1 ✓ **3.** Page 8, line 14: after “beverage” insert “, hazardous ✓ inhalant, controlled ✓
2 substance, controlled substance analog, ✓ or other drug or any combination thereof”. ✓

3 ✓ **4.** Page 10, line 23: after that line insert:

4 “(zgm) “Restricted controlled substance” means any of the following:

5 1. A controlled substance included in schedule I under ch. 961 other than a
6 tetrahydrocannabinol.

7 2. A controlled substance analog, as defined in s. 961.01 (4m), of a controlled
8 substance described in subd. 1. ✓

9 3. Cocaine or any of its metabolites.

10 4. Methamphetamine.

11 5. Delta-9-tetrahydrocannabinol.”. ✓

12 ✓ **5.** Page 26, line 7: after that line insert:

13 “2m. No person may engage in the operation of an off-highway motorcycle
14 while the person has a detectable amount of a restricted controlled substance in his
15 or her blood.”. ✓

16 ✕ **6.** Page 26, line 12: delete “1. or 2.” and substitute “1., 2., or 2m.”.

17 ✓ **7.** Page 26, line 14: delete “1. or 2.” and substitute “1., 2., or 2m.”.

18 ✕ **8.** Page 26, line 15: delete “1. or 2.” and substitute “1., 2., or 2m.”.

19 ✓ **9.** Page 26, line 17: delete “1. ^{and} 2.” and substitute “1., 2., ^{and} 2m.”.

20 ✓ **10.** Page 26, line 18: after that line insert:

21 “5. In an action under subd. 2m. that is based on the defendant allegedly having
22 a detectable amount of methamphetamine, gamma-hydroxybutyric acid, or
23 delta-9-tetrahydrocannabinol in his or her blood, the defendant has a defense if he

1 or she proves by a preponderance of the evidence that at the time of the incident or
2 occurrence he or she had a valid prescription for methamphetamine or one of its
3 metabolic precursors, gamma-hydroxybutyric acid, or
4 delta-9-tetrahydrocannabinol.”.

5 ✓ **11.** Page 26, line 24: after that line insert:

6 “2m. No person who has a detectable amount of a restricted controlled
7 substance in his or her blood may cause injury to another person by the operation of
8 an off-highway motorcycle.”.

9 ✕ **12.** Page 27, line 2: delete “1. or 2.” and substitute “1., 2., or 2m.”.

10 ✕ **13.** Page 27, line 4: delete “1. or 2.” and substitute “1., 2., or 2m.”.

11 ✕ **14.** Page 27, line 5: delete “1. or 2.” and substitute “1., 2., or 2m.”.

12 ✓ **15.** Page 27, line 8: delete “1. ^{and} ~~or~~ 2.” and substitute “1., 2., ^{and} ~~or~~ 2m.”.

13 ✓ **16.** Page 27, line 12: delete “and even if he or she” and substitute “^{did}”.

14 ✓ **17.** Page 27, line 13: after “more” insert “, or did not have a detectable amount
15 of a restricted controlled substance in his or her blood”.

16 ✓ **18.** Page 27, line 13: after that line insert:

17 “5. In an action under subd. 2m. that is based on the defendant allegedly having
18 a detectable amount of methamphetamine, gamma-hydroxybutyric acid, or
19 delta-9-tetrahydrocannabinol in his or her blood, the defendant has a defense if he
20 or she proves by a preponderance of the evidence that at the time of the incident or
21 occurrence he or she had a valid prescription for methamphetamine or one of its
22 metabolic precursors, gamma-hydroxybutyric acid, or
23 delta-9-tetrahydrocannabinol.”. ✓

1 **✓19.** Page 32, line 24: after “levels” insert “or a detectable amount of a restricted
2 controlled substance in his or her blood”. ✓

3 **20.** Page 43, line 4: delete “1. or 2.” and substitute “1., 2., or 2m.”

4 **21.** Page 43, line 6: delete the material beginning with "1." and ending with
5 "2." on page 43, line 7 and substitute "1., 2., or 2m." ✓

6 **22.** Page 43, line 11: delete “1. or 2.” and substitute “1., 2., or 2m.”

7 (END)